

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:17-CR-06-DCB-FKB-1

ROBERT BURSE

DEFENDANT

ORDER

THIS MATTER is before the Court on Defendant Robert Burse's Motion/Letter [ECF No. 40] (the "Motion"), in which he requests copies of: "(1) any and all pre-trial motions filed; (2) plea colloquy and agreement; and (3) sentencing transcripts." Id. at 2. In the Motion, Defendant states that he is asking for the copies because he is "in preparation for filing for post-conviction relief in light of the new Supreme Court holdings of *Borden v. United States*, 141 S. Ct. 1817 (2021)." Id. at 1.

After carefully considering the Motion and applicable law, the Court finds that the Fifth Circuit has ruled on this issue and held that:

An indigent defendant has no constitutional right to acquire a copy of his transcripts or court records for use in a collateral proceeding. ... However, 28 U.S.C. § 2250 states that a movant for a writ of habeas corpus

is entitled to copies of court records without cost where he has been granted leave to proceed IFP and his federal habeas motion is pending before the court. ... The records will not be provided where a movant contends that he needs them to formulate a claim or to review for facts that may support a potential habeas petition."

Walton v. Davis, 730 Fed. Appx. 233, 234 (5th Cir. 2018). There is nothing in the record before this Court to demonstrate that Defendant has a pending habeas corpus petition. To the contrary, Defendant explains in his Motion that he simply is "in preparation for filing for post-conviction relief." His request for copies is therefore foreclosed by Section 2250 and Fifth Circuit precedent.

Accordingly,

Defendant's Motion/Letter for Copies [ECF No. 40] is DENIED.

SO ORDERED this 13th day of September 2022.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE